

JUN. 26. 2001 4:06PM

ATHERSYS

NO. 4778 P. 1



**Athersys**

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FACSIMILE: (216) 361-9495

**FACSIMILE TRANSMITTAL SHEET**

TO:	Examiner Betty Forman	FROM:	Anne Brown, Esq.
COMPANY:	U.S. Patent & Trademark Office	DATE:	June 26, 2001
FAX NUMBER:	(703) 308-8724	TOTAL NO. OF PAGES INCLUDING COVER:	14
PHONE NUMBER:	(703) 306-5878	SENDER'S PHONE NUMBER:	(216) 426-3586
RE:	0221-0003O(C)	SENDER'S FAX NUMBER:	(216) 361-9495

☐ URGENT

☐ PLEASE REPLY

☒ ORIGINAL TO BE SENT AS CONFIRMATION

**MESSAGE:**

Re: U.S. Patent Application No. 09/760,897  
Title: **Compositions and Methods for Non-Targeted  
Activation of Endogenous Genes**  
Attorney Docket No.: 0221-0003O(C)

Attached are the following documents:

- 1 - Certificate of Transmission under 37 C.F.R. 1.8 (1 page)
- 1 - Fee Determination Record Form (1 page)
- 1 - Fee Transmittal Form (1 page)
- 1 - Third Preliminary Amendment (10 pages)

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NO. 4778 P. 2

PTO/SB/97 (08-00)

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## Certificate of Transmission under 37 CFR 1.8

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Date



Signature

Sophia L. Davis

Typed or printed name of person signing Certificate

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each submitted paper.

Attached are the following documents:

- 1 - Fee Determination Record Form (1 page)
- 1 - Fee Transmittal Form (1 page)
- 1 - Third Preliminary Amendment (10 pages)

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PTO/SB/17 (11-00)  
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# FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT

(\$ 390.00)

## Complete if Known

Application Number 09/760,897  
Filing Date January 17, 2001  
First Named Inventor Harrington, John J.  
Examiner Name Forman, B.  
Group Art Unit 1655  
Attorney Docket No. 0221-00030(C)

## METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit  
Account  
Number

50-0622

Deposit  
Account  
Name

SHANKS & HERBERT

- ☒ Charge Any Additional Fee Required  
Under 37 CFR 1.16 and 1.17

- ☒ Applicant claims small entity status.  
See 37 CFR 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit card ☐ Money Order ☐ Other

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101 710	201 355	Utility filing fee	
106 320	206 160	Design filing fee	
107 490	207 245	Plant filing fee	
108 710	208 355	Reissue filing fee	
114 150	214 75	Provisional filing fee	

SUBTOTAL (1) (\$)

### 2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
20	-20** = 0	9.00	0.00
13	-3** = 10	39.00	390.00

Multiple Dependent

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
103 18	203 9	Claims in excess of 20
102 80	202 40	Independent claims in excess of 3
104 270	204 135	Multiple dependent claim, if not paid
109 80	209 40	** Reissue independent claims over original patent
110 18	210 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 390.00)

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105 130	205 65	Surcharge - late filing fee or oath	
127 60	227 25	Surcharge - late provisional filing fee or cover sheet	
139 130	139 130	Non-English specification	
147 2,520	147 2,520	For filing a request for ex parte reexamination	
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115 110	215 55	Extension for reply within first month	
116 390	216 195	Extension for reply within second month	
117 890	217 445	Extension for reply within third month	
118 1,390	218 695	Extension for reply within fourth month	
128 1,890	228 945	Extension for reply within fifth month	
119 310	219 155	Notice of Appeal	
120 310	220 155	Filing a brief in support of an appeal	
121 270	221 135	Request for oral hearing	
138 1,510	138 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	
141 1,240	241 620	Petition to revive - unintentional	
142 1,240	242 620	Utility issue fee (or reissue)	
143 440	243 220	Design issue fee	
144 600	244 300	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	
123 50	123 50	Processing fee under 37 CFR 1.17(q)	
128 180	128 180	Submission of Information Disclosure Stmt	
581 40	581 40	Recording each patent assignment per property (times number of properties)	
146 710	246 355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149 710	249 355	For each additional invention to be examined (37 CFR § 1.129(b))	
179 710	279 355	Request for Continued Examination (RCE)	
169 900	169 900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

## SUBMITTED BY

Name (Print/Type)

Anne Brown

Signature

*Anne Brown*

Registration No.  
(Attorney/Agent)

36,463

## Complete (if applicable)

Telephone

(703) 693-6197

Date

June 26, 2001

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PTO/SB/06 (08-00)

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## PATENT APPLICATION FEE DETERMINATION RECORD

Application or Docket Number  
Application No.: 09/760,897  
Docket No.: 0221-00030(C)CLAIMS AS FILED - PART I  
(Column 1) (Column 2)

FOR	NUMBER FILED	NUMBER EXTRA
BASIC FEE (37 CFR 1.16(a))		
TOTAL CLAIMS (37 CFR 1.16(c))	1 minus 20 = *	0
INDEPENDENT CLAIMS (37 CFR 1.16(b))	1 minus 3 = *	0
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(d))		

SMALL ENTITY

OR OTHER THAN SMALL ENTITY

RATE	FEE
	\$ 355.00
x \$ 9.00 =	0.00
x 39.00 =	0.00
+ _____ =	
TOTAL	\$355.00

RATE	FEE
	\$ _____
x \$ _____ =	
x _____ =	
+ _____ =	
TOTAL	

\* If the difference in column 1 is less than zero, enter "0" in column 2

CLAIMS AS AMENDED - PART II  
(Column 1) (Column 2) (Column 3)

AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total (37 CFR 1.16(e))	* 20 Minus	** 20 =	0
Independent (37 CFR 1.16(b))	* 13 Minus	*** 3 =	10
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d))			

SMALL ENTITY

OR OTHER THAN SMALL ENTITY

RATE	ADDI-TIONAL FEE
x \$ 9.00 =	0.00
x 39.00 =	390.00
+ _____ =	
TOTAL	\$390.00

RATE	ADDI-TIONAL FEE
x \$ _____ =	
x _____ =	
+ _____ =	
TOTAL	

AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total (37 CFR 1.16(e))	* Minus	** =	
Independent (37 CFR 1.16(b))	* Minus	*** =	
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d))			

RATE	ADDI-TIONAL FEE
x \$ _____ =	
x _____ =	
+ _____ =	
TOTAL	

RATE	ADDI-TIONAL FEE
x \$ _____ =	
x _____ =	
+ _____ =	
TOTAL	

AMENDMENT C	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total (37 CFR 1.16(e))	* Minus	** =	
Independent (37 CFR 1.16(b))	* Minus	*** =	
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d))			

RATE	ADDI-TIONAL FEE
x \$ _____ =	
x _____ =	
+ _____ =	
TOTAL	

RATE	ADDI-TIONAL FEE
x \$ _____ =	
x _____ =	
+ _____ =	
TOTAL	

\* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".

\*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

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